

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-18 are currently pending. Claims 1-6 have been amended; and Claims 7-18 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1, 2, and 4-6 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0085962 to Sugai et al. (hereinafter “the ‘962 publication”); and Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘962 publication in further view of U.S. Patent No. 6,687,230 to Furutono et al. (hereinafter “the ‘230 patent”).

Amended Claim 1 is directed to a routing control system, comprising: a plurality of routing devices for transferring packets on a network, and a control server for controlling a transfer route of said packets, wherein each of said plurality of routing devices includes (1) routing related information reception means for receiving routing related information from an adjacent routing device; (2) generation means for generating a temporary routing control table based on the received routing related information; and (3) transmission means for transmitting the temporary routing control table generated by said generation means to said control server, and said control server includes (1) reception means for receiving a plurality of the temporary routing control tables transmitted by the transmission means of said plurality of routing devices; and (2) control means for controlling the transfer route of said packets by using the plurality of the temporary routing control tables received by said reception means. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.¹

¹ For non-limiting examples, see pages 17-19 of Applicants’ specification.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(e), the outstanding Office Action asserts that devices that are inherent to a LAN, a WAN, or ATM for transferring packets to the network relay device teach the claimed “plurality of transfer devices.” Further, the Office Action asserts that these inherent devices have the *capability* to generate a source or destination address or any other information, thus teaching the claimed “temporary routing control information.” However, MPEP § 2112 states the following:

To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is *necessarily* present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. *The mere fact that a certain thing may result from a given set of circumstances is not sufficient.*

It is respectfully submitted that the mere transferring of packets over a network does not make clear that the “plurality of transfer devices” is *necessarily* present in the network. Further, it is respectfully submitted that the alleged capability of the inherent devices is a mere fact that a certain thing *may result*, and is thus insufficient to establish the inherency of the “temporary routing control information.”

Consequently, as the ‘962 publication does not teach or suggest, either explicitly or inherently, the previously recited “plurality of transfer devices” and “temporary routing control information,” the ‘962 publication fails to teach or suggest the “plurality of routing devices” and “temporary routing control table” now recited in amended Claim 1.

The outstanding Office Action further cited router 1 of the ‘962 publication as a “control server.” The ‘962 publication is directed to a network relaying apparatus and network relaying method that is capable of high-speed routing and packet transfer. In particular, the ’962 publication discusses that the network relaying apparatus is a router 1 which includes a plurality of routing processors, a crossbar switch, at least a network

interface, at least a port, a routing manager, and a power supply.² However, it is respectfully submitted that the ‘962 publication fails to disclose that a control server includes reception means for receiving a plurality of the temporary routing control tables transmitted by the transmission means of said plurality of routing devices, and control means for controlling the transfer route of said packets by using the plurality of the temporary routing control tables received by said reception means.

Rather, the ‘962 publication discusses that the routing manager has a function of overall management of the router and exchanges routing information with other routers and distributes the routing information to each routing processor within each router.³ In other words, the ‘962 publication only discusses a router device 1 that receives routing information from other routers. The ‘962 publication does not disclose a plurality of routing devices, each including transmission means for transmitting the temporary routing control table generated by the router to said control server; and said control server including control means for controlling the transfer route of the packets by using the temporary routing control tables received from the plurality of routers. Accordingly, it is respectfully submitted that Claim 1 (and dependent Claims 2-4 and 7-10) patentably defines over the ‘962 publication.

Claim 5 recites in part reception means for receiving a plurality of temporary control tables transmitted from said plurality of routing devices, each of the plurality of temporary routing control tables being generated, by a corresponding routing device of the plurality of routing devices, based on routing related information received from an adjacent routing device; and control means.

As noted above, the ‘962 publication fails to disclose any means for “receiving” a generated temporary routing control table and for “controlling” the transfer route of packets. Thus, the ‘962 publication fails to disclose the routing control server as recited in Claim 5.

² The ‘962 publication, see paragraph [0048].

³ The ‘962 publication, see paragraph [0049].

Accordingly, it is respectfully submitted that Claim 5 (and dependent Claims 11 and 12) patentably defines over the ‘962 publication.

Claim 6 recites in part generating a temporary control table, within each of the plurality of routing devices, based on the received routing related information; transmitting, by each of the plurality of routing devices, the generated temporary routing control table; and controlling, using the control server, the transfer route of said packets by using the received plurality of temporary routing control tables.

As noted above, the ‘962 publication fails to disclose any means for “transmitting/receiving” a generated temporary routing control table and for “controlling” the transfer route of packets. Thus, the ‘962 publication fails to disclose the routing control method as recited in Claim 6. Accordingly, it is respectfully submitted that Claim 6 (and dependent Claims 13-16) patentably defines over the ‘962 publication.

Regarding the rejection of dependent Claim 3 under 35 U.S.C. § 103(a), the ‘230 patent fails to remedy the deficiencies of the ‘962 publication, as discussed above. Accordingly, it is respectfully submitted that the rejection of dependent Claim 3 is rendered moot by the present amendment to independent Claim 1.

The present amendment also sets forth new Claims 7-18 for examination on the merits. New Claims 7-18 are supported by the originally filed specification and do not add new matter.⁴ It is respectfully submitted that the more detailed features of Claims 7-16 are not disclosed or suggested by the art of record.

New Claim 17 recites in part wherein each of said plurality of devices includes a routing related information reception unit configured to receive routing related information from an adjacent routing device; a generation unit configured to generate a temporary routing control table based on the received routing related information; and a transmission unit

⁴ For non-limiting examples, see pages 20-25, 29, and 30 of Applicants’ specification.

configured to transmit the temporary routing control table generated by said generation unit to said control server, and said control server includes a reception unit configured to receive a plurality of the temporary routing control tables transmitted by the transmission unit of said plurality of routing devices; and a control unit configured to control the transfer route of said packets by using the plurality of the temporary routing control tables received by said reception unit.

As noted above, the ‘962 publication fails to disclose any means for “transmitting/receiving” a generated temporary routing control table and for “controlling” the transfer route of packets. Thus, the ‘962 publication fails to disclose the routing control system as recited in Claim 17. Accordingly, it is respectfully submitted that Claim 17 patentably defines over the ‘962 publication.

New Claim 18 recites in part a reception unit configured to receive, in the routing control server, a plurality of temporary routing control tables transmitted from said plurality of routing devices, each of the plurality of temporary routing control tables being generated, by a routing device of the plurality of routing devices, based on routing related information received from an adjacent routing device; and a control unit.

As noted above, the ‘962 publication fails to disclose any means for “receiving” a generated temporary routing control table and for “controlling” the transfer route of packets. Thus, the ‘962 publication fails to disclose the routing control server as recited in Claim 18. Accordingly, it is respectfully submitted that Claim 18 patentably defines over the ‘962 publication.

Thus, it is respectfully submitted that independent Claims 1, 5, 6, 17, and 18 (and all associated dependent claims) patentably distinguish over any proper combination of the ‘962 publication and ‘230 patent.

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Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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